



Entered on Docket
September 04, 2009

A handwritten signature in black ink, appearing to read "Michael S. McManus".

Hon. Michael S. McManus
United States Bankruptcy Judge

WILLIAM A. VAN METER, TRUSTEE
State Bar. No. 2803
P.O. Box 6630
Reno, Nevada 89513
(775) 324-2500

Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

CASE NO. 09-50167-GW

BRIAN D. SWOGER
SALLY A. SWOGER,
Debtors.

Chapter 13

ORDER CONDITIONALLY DISMISSING CASE

Hearing Date: August 14, 2009
/ Hearing Time: 2:00 pm
Judge:

The Debtors having dismissed their Motion to Confirm their Chapter 13 Plan due to lack of evidence that their unsecured debts are below the limitations set forth in 11 U.S.C. § 109(e) and for good cause appearing;

IT IS ORDERED that 30 days after the entry of this Order, the Debtors' Chapter 13 case shall be dismissed unless prior to that date the case the Debtors convert their Chapter 13 case to another chapter or, file and set for hearing their Chapter 13 plan along with admissible evidence establishing that a sufficient amount of debts currently scheduled as contingent are in fact contingent and may be appropriately excluded from the eligibility calculations set forth in § 109(e).

Approved:
/S/ CRAIG DEMETRAS
J. CRAIG DEMETRAS, ESQ.

ALTERNATIVE METHODS re: RULE 9021:

In accordance with L.R. 9021, the undersigned certifies:

_____ The court waived the requirements of L.R. 9021.

X_____ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and each has:

X_____ approved the form of this order as indicated above;

_____ waived the right to review the order; and/or

_____ failed to file and serve papers in accordance with L.R. 9021(c).

_____ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with L.R. 9021(c) and the following have disapproved the form of the order:

NONE

_____ No opposition was filed to the motion and no other party or counsel appeared at the hearing.

Dated: August 20, 2009

/S/ Teresa Herzinger

Teresa Herzinger

Assistant to William A. Van Meter, Trustee

P.O. Box 6630

Reno, NV 89509

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